

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 552, Government Code, is amended by adding Section 552.0215 to read as follows:

Sec. 552.0215. RIGHT OF ACCESS TO CERTAIN INFORMATION AFTER 75 YEARS. (a) Except as provided by Section 552.147, the confidentiality provisions of this chapter, or other law, information that is not confidential but is excepted from required disclosure under Subchapter C is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body.

(b) This section does not limit the authority of a governmental body to establish retention periods for records under applicable law.

SECTION 2. Subsection (b), Section 201.009, Local Government Code, is amended to read as follows:

(b) Any local government record to which public access is denied under Chapter 552, Government Code, *including a birth record maintained by a local registrar*, is, if still in existence, open to public inspection 75 years after it was originally created or received. ~~However, [a birth record maintained by a local registrar is, if still in existence, open to public inspection 100 years after it was originally created or received and] a death record maintained by a local registrar is, if still in existence, open to public inspection 55 years after it was originally created or received.~~ This subsection does not limit the authority of a governing body or an elected county officer to establish retention periods for records under Section 203.042.

SECTION 3. Subsection (d), Section 159.002, Occupations Code, is amended to read as follows:

(d) The prohibitions of this chapter continue to apply to a confidential communication or record relating to a patient regardless of when the patient receives the services of a physician, except for medical records at least 75 ~~[100]~~ years old that are requested for historical research purposes.

SECTION 4. This Act takes effect September 1, 2011.

Passed the Senate on May 10, 2011: Yeas 31, Nays 0; passed the House on May 23, 2011: Yeas 142, Nays 0, one present not voting.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 463

S.B. No. 1927

AN ACT

relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 151.310, Tax Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c), an organization that qualifies for an exemption under Subsection (a)(4) may hold 10 tax-free sales or auctions during a calendar year. Each tax-free sale or auction may continue for not more than 72 hours. The storage, use, or consumption of a taxable item that is acquired from a qualified organization at a tax-free sale or auction and that is exempted under this subsection from the taxes imposed by Subchapter C is exempted from the use tax imposed by Subchapter D until the item is resold or subsequently transferred. Subsection (d) applies to a tax-free sale or auction authorized by this subsection. This subsection expires September 1, 2014.

SECTION 2. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Passed the Senate on May 19, 2011: Yeas 30, Nays 1; passed the House on May 23, 2011: Yeas 142, Nays 0, one present not voting.

Approved June 17, 2011.

Effective June 17, 2011.

CHAPTER 464

H.B. No. 27

AN ACT

relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Article 42.15, Code of Criminal Procedure, is amended to read as follows:

Art. 42.15. FINES AND COSTS.

SECTION 2. Article 42.15, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) *Subject to Subsection (c), when* ~~[When]~~ imposing a fine and costs, a court may direct a defendant:

- (1) to pay the entire fine and costs when sentence is pronounced; ~~[or]~~
- (2) to pay the entire fine and costs at some later date; or
- (3) to pay a specified portion of the fine and costs at designated intervals.

(c) *When imposing a fine and costs in a misdemeanor case, if the court determines that the defendant is unable to immediately pay the fine and costs, the court shall allow the defendant to pay the fine and costs in specified portions at designated intervals.*

SECTION 3. Article 45.041, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (b-2) to read as follows:

(b) *Subject to Subsection (b-2), the* ~~[The]~~ justice or judge may direct the defendant:

- (1) to pay:
 - (A) the entire fine and costs when sentence is pronounced;
 - (B) the entire fine and costs at some later date; or
 - (C) a specified portion of the fine and costs at designated intervals;
- (2) if applicable, to make restitution to any victim of the offense; and
- (3) to satisfy any other sanction authorized by law.

(b-2) *When imposing a fine and costs, if the justice or judge determines that the defendant is unable to immediately pay the fine and costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals.*

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was